

REMARKS

Claims 1-7 and 9-12, and 14 are pending in this application. Claims 7, 9, and 12 are independent. Claims 5 and 6 have been withdrawn from consideration. Claim 13 has been canceled without prejudice or disclaimer to the subject matter contained therein. In light of the amendments and remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1-4, 7, and 9 under 35 U.S.C. § 102(b) as being anticipated by *Kanazawa et al.* (USP 5,044,454); rejected claims 1-4, 7, and 9-14 under 35 U.S.C. § 103(a) as being unpatentable over *Eda et al.* (USP 6,044,723) in view of *Hayashi et al.* (USP 4,790,202); rejected claims 1-4, 7, 9, 10, 13, and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Appleyard* (WO 99/11502) in view of *Hayashi et al.*; and rejected claims 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over *Appleyard* and *Hayashi et al.* and further in view of *Eda et al.* Applicants respectfully traverse these rejections.

By this Amendment, Applicants have amended claims 7, 9, and 12 to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejections, but merely to timely advance prosecution of the present application.

Claim Rejections - 35 U.S.C. § 102

By this Amendment, Applicants have amended claim 7 to recite, *inter alia*, an electric power steering apparatus comprising a housing for housing the bearing and the concave member, wherein the biasing member is movably acceptable only toward the concave member. In support of the Examiner's rejection of this claim, the Examiner relies on *Kanazawa et al.* to teach a biasing member 231 and a concave member 227. Applicants respectfully disagree with the Examiner's characterization of this reference.

It is respectfully submitted that the disclosure of *Kanazawa et al.* is directed to a rear wheel steering device for a vehicle. *Kanazawa et al.* discloses at col. 5, lines 51-54 that the bearing portion 226 is retained by a retainer body 227. This retainer body 227 is disposed inside the housing 40. The retainer body is connected with an adjustment member 232 by means of a spring 231. While *Kanazawa et al.* discloses a retainer body 227 retaining bearing portion 226, there is no teaching or suggestion in *Kanazawa et al.* that is directed to the biasing member being movably acceptable only toward the concave member. As such, it is respectfully submitted that claim 7 is not anticipated by *Kanazawa et al.*

It is respectfully submitted that claims 1-4, 10-11, and 14 are allowable for the reasons set forth above with regard to claim

7 at least based upon their dependency on claim 7. It is further respectfully submitted that claim 9 contains elements similar to those discussed above with regard to claim 7 and, thus, claim 9 is allowable for at least the reasons set forth above with regard to claim 7.

**Claim Rejections - 35 U.S.C. § 103(a) -
*Eda et al./Hayashi et al.***

In support of the Examiner's rejection of claim 7, the Examiner admits that *Eda et al.* does not disclose the claimed biasing arrangement for biasing the worm toward the worm gear. The Examiner relies on *Hayashi et al.* to cure the deficiencies of the teachings of *Eda et al.*, asserting *Hayashi et al.* teaches a biasing member 13 urging, via a bearing 11, the worm shaft toward the worm wheel and a concave portion, citing to Fig. 3, accepting the bearing. Applicants respectfully disagree with the Examiner's characterization of the *Hayashi et al.* reference.

It is respectfully submitted that the disclosure of *Hayashi et al.* is directed to a drive apparatus for power seats. Specifically, in col. 2, lines 44-51, *Hayashi et al.* teaches, as shown in Figs. 3 and 4, the worm has one end supported in the housing and the other end supported by the plug 11. As shown in Fig. 2, the plug 11 has the groove 12 in which the enlarged diameter portion at the lower end of the screw 13 is received. The screw 13 is threadedly engaged

with the housing 9. Turning the screw 13 moves the plug 11 up and down relative to the housing 9 as viewed in Fig. 4.

In contrast, the present invention as provided in claim 7 recites, *inter alia*, an electric power steering apparatus wherein the biasing member is movably acceptable only toward the concave member. As *Hayashi et al.* discloses that turning the screw 13 moves the plug up and down relative to the housing, *Hayashi et al.* fails to disclose wherein the biasing member is movably acceptable only toward the concave member. As *Hayashi et al.* fails to cure the deficiencies of the teachings of *Eda et al.*, assuming these references are combinable, which Applicants do not admit, it is respectfully submitted that claim 7 is not obvious over *Eda et al.* in view of *Hayashi et al.*

It is respectfully submitted that claims 1-4, 10-11, and 14 are allowable for the reasons set forth above with regard to claim 7 at least based upon their dependency on claim 7. It is further respectfully submitted that claims 9 and 12 contain elements similar to those discussed above with regard to claim 7 and as such, claims 9 and 12 are allowable for the reasons set forth above with regard to claim 7.

**Claim Rejections - 35 U.S.C. § 103(a) -
*Appleyard/Hayashi et al.***

In support of the Examiner's rejection of claim 7, the Examiner admits that *Appleyard* does not disclose the claimed

biasing arrangement for biasing the worm toward the worm gear. The Examiner again relies on the teachings of *Hayashi et al.* to cure the deficiencies of *Appleyard*, asserting *Hayashi et al.* teaches the biasing member as recited in the claims. However, as noted above, *Hayashi et al.* fails to teach or suggest the claims as amended. As such, it is respectfully submitted that as neither *Appleyard* nor *Hayashi et al.*, either alone or in combination, teach or suggest the claimed invention, claim 7 is not obvious over *Appleyard* in view of *Hayashi et al.*

It is respectfully submitted that claims 1-4, 10-11, and 14 are allowable for the reasons set forth above with regard to claim 7 at least based upon their dependency on claim 7. It is further respectfully submitted that claim 9 contains elements similar to those discussed above with regard to claim 7 and, thus, claim 9 is not obvious for the reasons set forth above with regard to claim 7.

**Claim Rejections - 35 U.S.C. § 103(a) -
*Appleyard/Hayashi et al./Eda et al.***

As noted above, claim 7 has been amended to include the recitation "wherein the biasing member is movably acceptable only toward the concave member." For the reasons set forth above, it is respectfully submitted that neither *Appleyard*, *Hayashi et al.*, nor *Eda et al.*, either alone or in combination, assuming these references are combinable, which Applicants do not admit, teach or suggest this claim element. As such, it is respectfully submitted

that claim 7, as amended, is not anticipated by the references as cited by the Examiner.

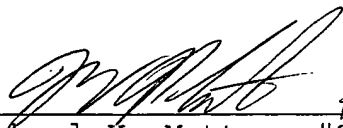
Conclusion


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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